BEFORE THE COMMUNITY REDEVELOPMENT AGENCY
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 09-2020 CRA

A RESOLUTION OF THE BOARD OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF STUART, FLORIDA, AMENDING THE DOWNTOWN OUTDOOR DINING PROGRAM MASTER PLAN, DEFINING OUTDOOR DINING (SEATING), ESTABLISHING SATURATION LEVEL OF PARKING SPACES DEDICATED TO OUTDOOR DINING; AND PROVIDING GUIDELINES AND REGULATIONS FOR OUTDOOR DINING PROGRAM; PROVIDING FOR CONFLICTS; SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

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WHEREAS, on February 27, 2012, the Community Redevelopment Agency Board approved the "Downtown Stuart Outdoor Seating Strategy" as a pilot program, which allowed for parking spaces to be utilized for Outdoor Seating Program. See "Exhibit 1".

WHEREAS, on February 27, 2017, the Community Redevelopment Agency Board approved the Outdoor Dining Master Plan as shown in "Exhibit 2", which identified existing and proposed outdoor dining area immediately adjacent to an existing restaurant and other food establishments.

WHEREAS, providing outdoor dining enhances the quality of life for the City of Stuart residents and contributes to the downtown economic health and vitality.

BE IT RESOLVED BY THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF STUART, FLORIDA, that:

SECTION 1: DEFINITION. Outdoor Dining (Seating) shall mean an outdoor area on a public sidewalk, or public right-of-way where patrons may consume food and/or beverages provided by an adjacent food service establishment. Use of the public right-of-way for outdoor dining activities may only occur pursuant to an Outdoor Dining License Agreement. The City Manager is authorized to approve an Outdoor Dining License Agreement and to execute an Outdoor Dining License Agreement on behalf of the City consistent with the Outdoor Dining Program.

SECTION 2: The Outdoor Dining Program shall be limited to parking area depicted in "Exhibit 3".

SECTION 3: The outdoor dining area shall not exceed 2 parking stalls along the street adjacent to the establishment.

SECTION 4: In those locations specifically depicted in "Exhibit 3", the City Manager shall have the discretion to allow outdoor dining in the sidewalk right-of-way.

SECTION 5: The design, materials, and colors used for chairs, tables, umbrellas, trash receptacles and other fixtures shall be of a uniform design and consistent with the furniture recommended in the Outdoor Seating Strategy plan. The board hereby adopts the Downtown Outdoor Seating Strategy presented on February 27, 2012, attached hereto as "Exhibit 1"

SECTION 6: Outdoor Dining License Agreements are not transferrable, delegable or assignable. In the event of a transfer of the business, the transferee shall apply to the City for a new License Agreement.

SECTION 7: Upon termination of the Outdoor Dining License Agreement, the licensee shall return the parking area/sidewalk to its original condition or a condition deemed acceptable by the

City Manager, and remove all personal property, furnishings, umbrellas, trash receptacles and other fixtures from the City's right-of-way.

SECTION 8: The Licensee shall obtain and maintain in force during the life of the Outdoor Dining License Agreement comprehensive general liability insurance and liquor liability and designate the City of Stuart as additional insured. The Licensee shall provide insurance verification for each year of Outdoor License Agreement renewal.

SECTION 9: The number of spaces available for licensing to the outdoor dining area shall be limited to 8% of the existing parking spaces shown in Exhibit 3.

SECTION 10: The spaces allocated for the Outdoor Dining Program shall be assigned on the first come first served basis. If there are no available spaces, a waiting list shall be maintained by the CRA Administrator. As soon as space becomes available, the first establishment on the list must enter into a license agreement or be removed from the list. To qualify to be on the list, you must be currently eligible and remain eligible for the license agreement based upon the terms and conditions of the program. If the establishment on the list becomes ineligible, there name shall be removed from the list.

SECTION 11: Renewal of Outdoor Dining License Agreements shall be accomplished by paying each year's Outdoor Dining License Fees in full by January 1st of that year. Alternatively, the Outdoor Dining License Fees may be paid in monthly payments, with the first payment made by January 1st of the involved year and first day of each month thereafter. Outdoor Dining License Renewal Fees not received on time shall incur a Late Payment Fee of 20% of the invoiced amount.

SECTION 12: This resolution shall take effect upon adoption.

Resolution Number 09-2020 CRA
Outdoor Dining Program

Board Member _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Board Member _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
MICHAEL J. MEIER, CHAIRMAN				
EULA R. CLARKE, VICE CHAIR				
MERRITT MATHESON, BOARD MEMBER				
REBECCA S. BRUNER, BOARD MEMBER				
VACANT, BOARD MEMBER				
PETE WALSON, EX-OFFICIO BOARD MEMBER				
TOM CAMPENNI, EX-OFFICIO BOARD MEMBER				

ADOPTED this _____ day of _____, 2020.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
MICHAEL J. MEIER
MAYOR / CHAIRMAN

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY